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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,444	07/09/2001	William H. Barber	394423	9729
30955	7590	09/27/2006	EXAMINER	
LATHROP & GAGE LC 4845 PEARL EAST CIRCLE SUITE 300 BOULDER, CO 80301				SHEIKH, ASFAND M
		ART UNIT		PAPER NUMBER
				3627

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/903,444	BARBER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Asfand M. Sheikh	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 July 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-7,9-21,23-41,63-68,70 and 71 is/are pending in the application.  
 4a) Of the above claim(s) 2,8 and 22 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-7,9-21,23-41,63-68,70 and 71 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 20-July-2006 has been entered.

***Acknowledgements***

In responsive to the Remarks/Arguments received on 20-July-2006: Claims 1, 3-7, 9-21, 23-41, 63-68, 70 and 71 are pending for examination. Claims 1, 3, 9, 12, 22, 24-25, 63, 67 have been amended. Claims 48-50 have been added. Claims 2, 8, 22 have been cancelled.

The Examiner withdraws the Restriction/Election Requirement for claims 63-71 (Group III), as they are generic claims to claims 1-41 (Group I), and will be grouped together for examination. Restriction for Groups II and IV, is still maintained, and has

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been acknowledged by the canceling of these groups by the applicant.

In light of the amendment, the Examiner establishes new grounds of rejection for claims 1, 3-7, 9-21, 23-41, 63-68, 70 and 71.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 12-19, 23, 26, 28-29, 31-33, 41, 63, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanoh et al. United States Patent 6,109,524 (hereinafter Kanoh) in view of Peters United States Patent 5,769,269 and Kaplan United States Patent 2005/0267819.

**As per claim 1, 18, and 63,** Kanoh discloses coupling one or more kiosks to a central server via the Internet, each of the kiosks containing a plurality of optical recorded media (col. 5,

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lines 47-61 and col. 9, lines 19-28); determining, at the server, inventory of the optical recorded media of each of the kiosks (col. 6, lines 57-63); automatically communicating between the first kiosk and the server to authorize the first transaction (col. 5, lines 47-61; col. 5, lines 57-63; and col. 7, lines 60-67); dispensing the first local optical media to the first user if the first transaction is approved, accepting return of the first local optical media at a second kiosk, the second kiosk being another one of the kiosks (col. 3, lines 47-52 and col. 9, lines 19-23).

However Kanoh fails to explicitly disclose routinely obtaining, at the server, operational status of each of the kiosks; and automatically interfacing with a first user at a first kiosk in a first transaction for first local optical recorded media, the first local optical media contained within the first kiosk, the first kiosk being one of the kiosks, the first user being one of the users.

However Peters discloses routinely obtaining, at the server, operational status of each of the kiosks (col. 3, lines 49-57).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh to include routinely obtaining, at the server, operational status

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of each of the kiosks as taught by Peters. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide the ability to remotely diagnose and monitor a kiosk (col. 2, lines 16-28).

Kanoh and Peters both fail to explicitly disclose automatically interfacing with a first user at a first kiosk in a first transaction for first local optical recorded media, the first local optical media contained within the first kiosk, the first kiosk being one of the kiosks, the first user being one of the users.

However Kaplan discloses automatically interfacing with a first user at a first kiosk in a first transaction for first local optical recorded media, the first local optical media contained within the first kiosk, the first kiosk being one of the kiosks, the first user being one of the users (0050).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh to include automatically interfacing with a first user at a first kiosk in a first transaction for first local optical recorded media, the first local optical media contained within the first kiosk, the first kiosk being one of the kiosks, the first user being one of the users as taught by Kaplan. One of ordinary skill in the art would have been motivated to combine the

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teachings in order to provide a touch-selectable listing in order to provide an intuitive and simple customer interface.

**As per claim 12 and 66**, Kanoh discloses determining inventory at the server comprises tracking inventory movement of the first optical media between the first and second kiosk (col. 6, lines 57-67).

**As per claim 13**, Kanoh discloses further comprising the steps of obtaining and storing one or more images through an image capturing device located within, or in proximity to, the first kiosk (col. 7, lines 30-34; Examiner interprets "transmitting" to be a form of storing an image).

**As per claims 14-16**; Kanoh discloses wherein the step of obtaining comprises the step of imaging a person conducting a user identification or credit car input at the first kiosk (col. 7, lines 30-34 and col. 8, lines 25-33).

**As per claim 17**, Kanoh discloses further comprising the step of transmitting the images to the central server (col. 7, lines 30-34).

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**As per claim 19 and 26;** Kanoh discloses further comprising the step of managing a group of kiosks through the central server via a personal computer connected to the internet, the group of kiosk being a subset of all the kiosks (col. 6, lines 57-67).

**As per claim 23,** Kanoh fails to explicitly disclose further comprising the step of backing up at least part of information stored in the central server within internal memory within the first kiosk.

Peters discloses the ability to store information on the internal memory within the kiosk (col. 2, lines 29-38 and col. 5, lines 1-7).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh to include internal memory within the first kiosk as taught by Peters. The motivation to combine is the same as claim 1, above.

**As per claim 28 and 29,** Kanoh discloses further comprising determining the inventory at any of the kiosk within the group of kiosks (col. 6, lines 57-67).

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**As per claim 31,** Kanoh fails to explicitly disclose the step of routinely obtaining comprising identifying one or more alarm states associated with the first kiosk.

However Peters discloses the step of routinely obtaining comprising identifying one or more alarm states associated with the kiosk (col. 16, lines 25-64).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh to include the step of routinely obtaining comprising identifying one or more alarm states associated with the kiosk as taught by Peters. The motivation to combine is the same as claim 1, above.

**As per claim 32,** Kanoh discloses administration associated with the central sever (col. 6, lines 57-67 and col. 7, lines 44-52).

Kanoh fails to explicitly disclose automatically identifying the alarm states and automatically sending information about the alarm states.

However Peters discloses automatically identifying the alarm states and automatically sending information about the alarm states (col. 16, lines 25-64).

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It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh to include automatically identifying the alarm states and automatically sending information about the alarm states as taught by Peters. The motivation to combine is the same as claim 1, above.

**As per claim 33,** Kanoh fails to explicitly disclose further comprising the step of communicating one or both of voice and text messages to the administration as a message communicated by one or more of email and a mobile phone, pager, or other wireless device.

However Peters discloses comprising the step of communicating one or both of voice and text messages to the administration as a message communicated by one or more of email and a mobile phone, pager, or other wireless device (col. 16, lines 25-64).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh to include the step of communicating one or both of voice and text messages to the administration as a message communicated by one or more of email and a mobile phone, pager, or other wireless

device as taught by Peters. The motivation to combine is the same as claim 1, above.

**As per claim 41,** Kanoh discloses further comprising the step of administering kiosk business data through a remote web-interface (col. 6, lines 57-67).

4. Claims 3-7, 64, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanoh et al. United States Patent 6,109,524 (hereinafter Kanoh) in view of Peters United States Patent 5,769,269 and Kaplan United States Patent 2005/0267819 as applied to claim 1 above, and further in view of Koenck United States Patent 6,668,523.

**As per claim 3, 64, and 65,** Kanoh discloses a code on the optical media (TABLE 1), and based off an identifier indicating which of the kiosks the first optical media may be returned to, and accepting the first optical media at the second kiosk is associated with an identifier (col. 3, lines 47-63).

Kanoh, Peters, and Kaplan all fail to explicitly disclose capturing a digital image of a code.

However Koenck discloses capturing a digital image of a code (col. 1, lines 65-67 and col. 2, lines 1-7 and 16-23).

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It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh to include capturing a digital image of a code as taught by Koenck. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide a cost effect, portable OCR reader that would increase the read rates and accuracy of a label (col. 1, lines 23-30).

**As per claim 4,** Kanoh discloses identifying optical media from different kiosks (col. 3, lines 47-63).

Kanoh, Peters, and Kaplan all fail to explicitly disclose further comprising the steps of rotating the image via internal software.

However Koenck discloses further comprising the steps of rotating the image via internal software (col. 1, lines 65-67 and col. 2, lines 1-7 and 16-23).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh to include further comprising the steps of rotating the image via internal software as taught by Koenck. The motivation to combine is the same as claim 3, above.

**As per claims 5 and 6,** the Examiner notes that these limitations are substantially similar to those of claims 3 and 4, and are rejected under similar grounds. Further the Examiner notes that would be it would have been an obvious matter of design choice to modify the method recited by claims 3 and 4, since the application does not disclose that storing and scanning the information in two separate codes solves a particular problem or is used for any particular purpose.

**As per claim 7,** Kanoh discloses wherein one or both of the first code and second code comprise a bar code (TABLE 1).

5. Claims 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Kanoh et al. United States Patent 6,109,524 (hereinafter Kanoh) in view of Peters United States Patent 5,769,269 and Kaplan United States Patent 2005/0267819 and Koenck United States Patent 6,668,523 as applied to claim 3 above, and further in view of Shah United States Patent 5,027,766.

**As per claim 9,** Kanoh discloses accepting the return of optical media at different kiosks (col. 3, lines 47-52 and col. 9, lines 19-23).

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Kanoh, Peters, Kaplan, and Koenck, all fail to explicitly disclose steps of sensing characteristics of a case housing, determining of the characteristics match predetermined characterizes associated, and opening a door to a an input/output slot of the kiosk to accept the case and optical media when the characteristics match the predetermined characteristics.

However Shah discloses steps of sensing characteristics of a case housing, determining of the characteristics match predetermined characterizes associated, and opening a door to a an input/output slot of the kiosk to accept the case and optical media when the characteristics match the predetermined characteristics (col. 7, lines 18-62; Examiner notes that this is analogous art (e.g. directed to cassette housing)).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, Kaplan, Koenck to include sensing characteristics of a case housing, determining of the characteristics match predetermined characterizes associated, and opening a door to a an input/output slot of the kiosk to accept the case and optical media when the characteristics match the predetermined characteristics as taught by Shah. One of ordinary skill in the art would have been motivated to combine the teachings in order

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to provide the convince of securely and correctly identifying returning an article at a kiosk.

**As per claim 10,** Kanoh, Peters, Kaplan, and Koenck all fail to explicitly disclose wherein the predetermined characteristics are defined by physical structure of the case.

However Shah discloses wherein the predetermined characteristics are defined by physical structure of the case (col. 7, lines 18-62; Examiner notes that this is analogous art (e.g. directed to cassette housing)).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, Kaplan, Koenck to include wherein the predetermined characteristics are defined by physical structure of the case as taught by Shah. The motivation to combine is the same as claim 9, above.

**As per claim 11,** Kanoh, Peters, Kaplan, and Koenck all fail to explicitly disclose wherein the physical structure forms one or more holes and one or more blocked regions in the case, and wherein the steps of sensing characteristics comprises sensing the holes and blocked regions.

However Shah discloses wherein the physical structure forms one or more holes and one or more blocked regions in the case, and wherein the steps of sensing characteristics comprises sensing the holes and blocked regions (col. 7, lines 18-62; FIG. 7; Examiner notes that this is analogous art (e.g. directed to cassette housing). Further the Examiner interprets "FIG 7" to show a housing with holes (e.g. 301, guide opening) and a blocked region (e.g. 321 and 325, identification strip)).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, Kaplan, Koenck to include wherein the physical structure forms one or more holes and one or more blocked regions in the case, and wherein the steps of sensing characteristics comprises sensing the holes and blocked regions as taught by Shah. The motivation to combine is the same as claim 9, above.

6. Claims 20-21, 24-25, 27, and 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanoh et al. United States Patent 6,109,524 (hereinafter Kanoh) in view of Peters United States Patent 5,769,269 and Kaplan United States Patent 2005/0267819 as applied to claim 1 above, and further in view of Tomita et al. United States Patent 6,965,869 (hereinafter Tomita).

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**As per claim 20 and 67,** Kanoh, Peters, and Kaplan all fail to explicitly disclose further comprising the steps of communicating advertising information from the server to a third kiosk, the third kiosk being one of the kiosks, and communicating the advertising information to users at the third kiosk.

However Tomita discloses further comprising the steps of communicating advertising information from the server to a kiosk, the kiosk being one of the plurality kiosks, and communicating the advertising information to users at the kiosk (col. 6, lines 26-32).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, and Kaplan to include further comprising the steps of communicating advertising information from the server to a kiosk, the kiosk being one of the plurality kiosks, and communicating the advertising information to users at the kiosk as taught by Tomita. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide advertising information to a customer, which improves and attracts the customers' interest (col. 3, lines 2-17).

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**As per claim 21,** Kanoh discloses audibly communicating information to the users at a kiosk (col. 7, lines 44-51).

Kanoh, Peters, and Kaplan, all fail to explicitly disclose communicating advertising information comprises displaying the information on a screen.

However Tomita discloses communicating advertising information comprises displaying the information on a screen (col. 6, lines 26-32).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, and Kaplan to include communicating advertising information comprises displaying the information on a screen as taught by Tomita. The motivation to combine is the same as claim 20, above.

**As per claim 24, 25, 68,** Kanoh, Peters, and Kaplan all fail to explicitly disclose profiling user transactions at the second kiosk and communicating advertising information at the second kiosk based on the profiling of user transactions.

However Tomita discloses profiling user transaction at a kiosk and communicating advertising information based on the profiling of user transactions (col. 5, lines 14-64 and col. 6, lines 26-32).

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It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, and Kaplan to include profiling user transaction at a kiosk and communicating advertising information based on the profiling of user transactions as taught by Tomita. The motivation to combine is the same as claim 20, above.

**As per claim 27**, Kanoh, Peters, and Kaplan all fail to explicitly disclose wherein the group of kiosks comprises managing advertising information communicated to users at any of the kiosks within the group of kiosks.

However Tomita discloses wherein the group of kiosks comprises managing advertising information communicated to users at any of the kiosks within the group of kiosks (col. 5, lines 14-64 and col. 6, lines 26-32).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, and Kaplan to include wherein the group of kiosks comprises managing advertising information communicated to users at any of the kiosks within the group of kiosks as taught by Tomita. The motivation to combine is the same as claim 20, above.

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7. Claim 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Kanoh et al. United States Patent 6,109,524 (hereinafter Kanoh) in view of Peters United States Patent 5,769,269 and Kaplan United States Patent 2005/0267819 as applied to claim 29 above, and further in view of Fortenberry et al. United States Patent 6,336,098 (hereinafter Fortenberry).

**As per claim 30,** Kanoh discloses determining the inventory at any of the kiosk within the group of kiosks (col. 6, lines 57-67).

Kanoh, Peters, and Kaplan all fail to explicitly disclose further comprising the step of emailing discount coupons to the first user through the Internet based on information.

However Fortenberry discloses further comprising the step of emailing discount coupons to the first user through the Internet based on information (ABSTRACT and col. 3, lines 38-49; Examiner interprets "a manufacture who wishes to offer coupons for certain products" to be issuing a coupon based on specific information related to the product (e.g. inventory, reduction of price due to older model, etc)).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, and Kaplan to include further comprising the step of

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emailing discount coupons to the first user through the Internet based on information as taught by Fortenberry. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide the ability to provide flexibility and convenience to receive or redeem coupons (col. 1, lines 67 and col. 2, lines 1-3).

8. Claims 34, 38-40, and 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanoh et al. United States Patent 6,109,524 (hereinafter Kanoh) in view of Peters United States Patent 5,769,269 and Kaplan United States Patent 2005/0267819 as applied to claim 1 above, and further in view of DeLapa et al. United States Patent 6,954,732 (hereinafter Delapa).

**As per claim 34 and 70,** Kanoh, Peters, and Kaplan all fail to explicitly disclose further comprising the step of generating automatic promotions at one or more of the kiosks.

However Delapa discloses further comprising the step of generating automatic promotions at one or more of the kiosks (ABSTRACT and col. 3, lines 30-67).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh,

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Peters, and Kaplan to include further comprising the step of generating automatic promotions at one or more of the kiosks as taught by Delapa. One of ordinary skill in the art would have been motivated to combine the references in order to develop promotional campaigns designed to encourage increased purchases among its frequent shoppers (col. 3, lines 1-3).

**As per claim 38, 39 and 71,** Kanoh, Peters, and Kaplan all fail to explicitly disclose further comprising the step of disturbing a coupon to one or more users of the system.

However Delapa discloses further comprising the step of disturbing a coupon to one or more users of the system (col. 7, lines 28-32 and lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, and Kaplan to include further comprising the step of disturbing a coupon to one or more users of the system taught by Delapa. The motivation to combine is the same as claim 34, above.

**As per claim 40,** Kanoh, Peters, and Kaplan all fail to explicitly disclose wherein the step of distributing a coupon to

a user comprises the step of distributing a coupon activated by a transaction at the first kiosk.

However Delapa discloses wherein the step of distributing a coupon to a user comprises the step of distributing a coupon activated by a transaction at the kiosk (col. 7, lines 28-32 and lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, and Kaplan to include further comprising the step of disturbing a coupon to one or more users of the system taught by Delapa. The motivation to combine is the same as claim 34, above.

9. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanoh et al. United States Patent 6,109,524 (hereinafter Kanoh) in view of Peters United States Patent 5,769,269 and Kaplan United States Patent 2005/0267819 and DeLapa et al. United States Patent 6,954,732 (hereinafter Delapa) as applied to claim 34 above, and further in view of Roberts United States Patent 6,493,110.

**As per claim 35,** Kanoh, Peters, Kaplan, and Delapa all fail to explicitly disclose wherein the step of generating automatic

promotions comprises the step of processing unique promotional codes.

However Roberts discloses further wherein the step of generating automatic promotions comprises the step of processing unique promotional codes (col. 6, lines 53-57 and col. 20, lines 22-36).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, Kaplan, Delpa to include further comprising the step of generating automatic promotions at one or more of the kiosks as taught by Roberts. One of ordinary skill in the art would have been motivated to combine the references in order to provide the possibility of eliminating fraud (col. 6, lines 53-57).

**As per claim 36**, Kanoh, Peters, and Kaplan all fail to explicitly disclose wherein the step of processing unique promotion codes comprises the step of obtaining the promotion codes from the touch screen at the first kiosk.

However Delapa discloses processing unique promotion codes comprises the step of obtaining the promotion codes from the touch screen at the first kiosk (col. 7, lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

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It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, and Kaplan to include processing unique promotion codes comprises the step of obtaining the promotion codes from the touch screen at the first kiosk as taught by Delapa. The motivation to combine is the same as claim 34, above.

**As per claim 37,** Kanoh, Peters, and Kaplan all fail to explicitly disclose wherein the step of processing unique promotion codes comprises the step of obtaining the promotion codes from a magnetic card swipe through a reader at the first kiosk.

However Delapa discloses wherein the step of processing unique promotion codes comprises the step of obtaining the promotion codes from a magnetic card swipe through a reader at the first kiosk (col. 7, lines 28-32 and lines 61-67; col. 8, lines 1-26; and col. 20, lines 22-36).

It would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Kanoh, Peters, and Kaplan to include wherein the step of processing unique promotion codes comprises the step of obtaining the promotion codes from a magnetic card swipe through a reader at

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the first kiosk as taught by Delapa. The motivation to combine is the same as claim 34, above.

***Response to Arguments***

10. Applicant's arguments with respect to claim 1, 3-7, 9-21, 23-41, 63-68, 70 and 71 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

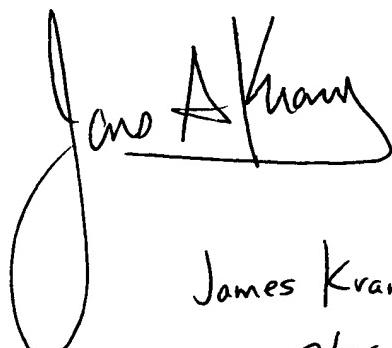
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

Asfand M Sheikh  
Examiner  
Art Unit 3627

ams  
25-Sep-06



James Kramer  
9/25/06